

**ORDINANCE NO. \_\_\_\_\_, SERIES 2007**

**AN ORDINANCE RE-ENACTING LOUISVILLE METRO CODE OF ORDINANCES (LMCO) SECTIONS 134.03, 134.04, 134.98, 134.99(A) AND (C) WITH AMENDMENT REGARDING OFFENSES AGAINST PERSONS AND REPEALING SECTIONS 134.01, 134.02, AND 134.99(B).**

**Sponsored By: Councilmen Kramer, Downard and Blackwell**

**BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT (THE COUNCIL) AS FOLLOWS:**

**SECTION I:** Pursuant to the provisions of KRS 67C.115(2), LMCO Sections 134.03, 134.04, 134.98, 134.99(A) and (C) with amendment are hereby reenacted, and Sections 134.01, 134.02, and 134.99(B) are hereby repealed as follows:

**~~§ 134.01 DISPENSING HARMFUL OBJECTS.~~**

~~It shall be unlawful for any person, firm, or corporation to distribute or dispense to any minor any harmful object or substance with the intent to inflict or cause injury, sickness, or bodily harm.~~

**~~§ 134.02 STENCH BOMBS; ITCHING POWDER.~~**

~~It shall be unlawful for any person to distribute, spread, scatter, or set free in theaters, halls, or other places of public assemblage any one or more of the articles known as itching powder, sneezing powder, or stench bombs, by any name called, or any article used for the purposes of producing itching or sneezing by irritation, or for the purposes of producing a nauseous or annoying smell or odor.~~

**§ 134.03 STROBE LIGHT WARNINGS TO BE POSTED.**

(A) Concert halls, theaters, playhouse facilities, and commercial facilities licensed to sell alcoholic beverages which use strobe lights at any performance are hereby required to post a notice at a conspicuous location near the entrance to the facility as follows: NOTICE: PERSONS WHO ARE DISTURBED OR DISORIENTED BY STROBE LIGHTS ARE NOTIFIED THAT STROBE LIGHTS WILL BE USED AT TODAY'S (TONIGHT'S) PERFORMANCE. A similar notice also shall be part of any print media advertisement for the performance.

(B) A strobe light shall be defined as any blinking light with a blinking rate equal to or greater than 180 blinks per minutes (3 hertz).

(C) This ordinance shall be enforced by the Department of Inspections, Permits and Licenses.

(D) The Metro Council Clerk is directed to send notice of this Ordinance to the Department of Inspections, Permits and License facilities of Jefferson County.

#### **§ 134.04 LASER DEVICES.**

(A) As used in this section, the term "***LASER DEVICE***" shall mean any of several devices that convert incident electromagnetic radiation of mixed frequencies to one or more discrete frequencies of highly amplified and coherent visible radiation; as well as any other such device operating on the principle of Light Amplification by Stimulated Emission of Radiation.

(B) It shall be unlawful for any person to point or otherwise direct the beam from a laser device into the eye(s) or onto the body of another person. It

shall be unlawful for any person to point or otherwise direct the beam from a laser device into the eye(s) or onto the body of any animal. It shall be unlawful for any person to point or otherwise direct the beam from a laser device toward any occupied vehicle.

(C) Nothing herein shall prohibit the use of a laser device by any licensed and qualified physician, veterinarian, or medical technician for diagnostic or treatment purposes. Nothing herein shall prohibit the use of a laser device by any person for scientific, commercial or industrial purposes; provided the laser device is not directed into the eye(s) or onto the body of another person or toward any occupied vehicle. Nothing herein shall prohibit the use of a laser device by any student, regularly enrolled in any educational institution; provided such use is in a controlled laboratory or classroom setting, with the permission and under the direct supervision of a licensed teacher or instructor. Nothing herein shall prohibit the use of a laser device by any person possessing a valid Kentucky Hunting License; provided the laser device is used as an aiming device, properly mounted and affixed to a firearm and not directed into the eye(s) or onto the body of another person or toward any occupied vehicle. Nothing herein shall prohibit the use of a laser device by any person at a licensed target range; provided the laser device is used as an aiming device, properly mounted and affixed to a firearm and not directed into the eye(s) or onto the body of another person or toward any occupied vehicle. Nothing herein shall prohibit the use of a laser device by any peace officer.

**§ 134.98 SEVERABILITY.**

If any provision of this chapter as now or later amended or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision or application.

**§ 134.99 PENALTY.**

(A) Any person who violates any of the provisions of §§ ~~134.01~~ or 134.03, shall be fined not less than \$50 nor more than \$100, imprisoned for not more than 50 days, or both. Each violation shall constitute a separate offense for purposes of this section.

~~(B) Any person who violates § 134.02 shall be fined not less than \$25 nor more than \$100.~~

(C) The penalty for a first violation of § ~~134.03~~ 134.04 shall be a fine of \$100 and the penalty for any subsequent violations shall be a fine of \$500.

**SECTION II:** This Ordinance shall take effect upon its passage and approval.

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Kathleen J. Herron  
Metro Council Clerk

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Rick Blackwell  
President of the Council

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Jerry E. Abramson  
Mayor

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Approval Date

**APPROVED AS TO FORM AND LEGALITY:**

Irv Maze  
Jefferson County Attorney

BY: \_\_\_\_\_  
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